



ORDINANCE 522

AN ORDINANCE AUTHORIZING THE USE OF AN INSTANT TICKET SUMMONS FOR VIOLATIONS OF OTHER CHAPTERS OF THE CODE IN ADDITION TO CHAPTER 171

Sponsored by: **The Mayor and Council**

First and Second Reading: **July 08, 2010** **Council Meeting**
Results:

Third and Final Reading: **August 12, 2010** **Council Meeting**
Results:

ORDINANCE 522

AN ORDINANCE AUTHORIZING THE USE OF AN INSTANT TICKET SUMMONS FOR VIOLATIONS OF OTHER CHAPTERS OF THE CODE IN ADDITION TO CHAPTER 171

WHEREAS, The Mayor and Council have authorized the use of "Instant Tickets" to enforce Chapter 171 of the Code of the Town of Elsmere; and

WHEREAS, This has proven to be an effective way of issuing violation notices and allowing citizens to pay fines; and

WHEREAS, The Mayor and Council have been requested to expand the use of the instant ticket system by allowing it to be used to issue violation notices and allowing citizens to pay the fines associated with additional chapters of the code.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF
ELSMERE AS FOLLOWS:**

That Chapter 98 of the Code of the Town of Elsmere be amended by adding new sections 98-5, 98-6, 98-7 and 98-8 to read as follows;

98-5 Instant Tickets:

- a. In addition their use to enforce violations of Chapter 171 of the Code of the Town of Elsmere, Code Enforcement Officers are authorized to use "Instant Summonses" to enforce and assess the minimum fines due for violations of the following sections of the Code of the Town of Elsmere.
 1. Chapter 127 of the Code of the Town of Elsmere Section; 127-2 (dumping).
 2. Chapter 192 of the Code of the Town of Elsmere Section; 192-6 (Roadway obstructions).
 3. Chapter 197 of the Code of the Town of Elsmere Section; 197-07 (illegal storm water discharge).
 4. Chapter 192 of the Code of the Town of Elsmere Section; 192-1 (Removal of snow and ice).
 5. Chapter 182 of the Code of the Town of Elsmere Section; 182-2 (Rental Permits Required).

6. Chapter 143 of the Code of the Town of Elsmere Section; 143-3(B)(5) (Noise: Animals – Barking Dogs).
 7. Chapter 225 of the Code of the Town of Elsmere Section; 225-10(B)(2) (regulating the number of recreational vehicles).
 8. Chapter 225 of the Code of the Town of Elsmere Section; 225-8(F) (storage of recreational vehicles in the front yard).
 9. Chapter 215 of the Code of the Town of Elsmere Section; 215-2(B) (oversize vehicles in residential zones).
 10. Chapter 225 of the Code of the Town of Elsmere Section; 225-8(T) (regulating the Town of Elsmere Color Pallet).
- b. Any person who violates any of the Chapters and Sections listed in 98-5 (a) (1-10) shall be subject to and liable for a civil penalty in the amount of the minimum penalty or fine adopted for each Chapter and Section.
 - c. This civil penalty shall be paid within 30 days of the date of the citation (the "payment deadline"), even if the violation is cured by such date. If it is not paid by the payment deadline, then the civil penalty imposed under this section shall give rise to a lien pursuant to Title 25 Chapter 29 of the Delaware Code.
 - d. Each twenty-four-hour period that the condition giving rise to the initial citation continues will be subject to a separate citation and an additional civil penalty in the amount equal to the initial penalty.
- 98-6 Any citation issued for failure to comply with this article shall be mailed to the owner of the property that is the subject of the citation.
- 98-7 The owner of a property aggrieved by any civil penalty imposed pursuant to this section may appeal to the Board of Adjustment pursuant to 171-6C of this article.
- 98-8 This section shall apply and remain valid despite any determination that it is inconsistent with any other section of the Code of the Town of Elsmere.

July 8, 2010
First and Second Reading

August 12, 2010
Third and Final Reading

Deborah A. Norkavage, Mayor

Joann I. Personti, Secretary

Approved as to form:

Town Solicitor

SYNOPSIS

ORDINANCE 522

This Ordinance expands the use of the "Instant Ticket" program from the Property Maintenance Code to other sections of the Code.

Fiscal Impact: It is anticipated that this ordinance could result in an additional \$4,000.00 in revenues.